

RESOLUTION NO. C-2015-8

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Evansville, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, a representative of EHA RAD I, LP, an Indiana limited partnership (the "RAD I Borrower") and EHA RAD II, LP, an Indiana limited partnership (the "RAD II Borrower") or one or more limited liability companies or limited partnerships to be formed by the RAD I Borrower and/or the RAD II Borrower (collectively, the RAD I Borrower and the RAD II Borrower are known as the "Borrower"), has advised the Evansville Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Borrower to provide a portion of the funds for the acquisition, renovation and equipping of the following existing multifamily housing facilities all located in the City of Evansville, Indiana: (1) Kennedy Towers located at 315 S.E. Martin Luther King Jr. Blvd. and Buckner Towers located at 717 Cherry Street containing collectively 208 residential rental units and functionally related and subordinate facilities to be owned by the RAD I Borrower; (2) Schnute Towers located at 1030 W. Franklin Street and White Oak Towers located at 509 St. Joseph Avenue containing collectively 230 residential rental units and functionally related and subordinate facilities to be owned by RAD I Borrower; and (3) Caldwell Homes located at 736 Cross Street containing 121 residential rental units and functionally related and subordinate facilities to be owned by RAD II Borrower (collectively, the "Project"); and

WHEREAS, the diversification of industry, retention of job opportunities and providing affordable rental housing (42 retained full-time equivalent jobs) to be achieved by the acquisition, renovation and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

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WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it is tentatively found that the acquisition, renovation and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in Evansville, Indiana;

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Evansville, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry, promotion of job opportunities and affordable rental housing in and near the Issuer.

SECTION 2. It approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$25,000,000 of the Issuer under the Act for the lending of the proceeds of the revenue bonds to the Borrower, for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Borrower to proceed with the acquisition, renovation and equipping of the Project, the Common Council of the Issuer hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Borrower; and (ii) it will adopt such resolutions or ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Borrower in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

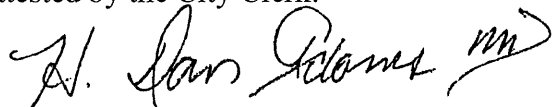
SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Borrower of moneys expended by the Borrower for application fees, planning, engineering, a portion of the interest paid during acquisition, renovation and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, renovation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Borrower for the same purposes. Also, certain indirect

expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

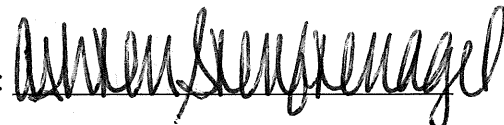
SECTION 5. This resolution shall constitute "official action" for purposes of compliance with federal and state laws requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

SECTION 6. This resolution shall be in full force and effect immediately upon passage by this Common Council and signing by the Mayor.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 11TH day of MAY, 2015, on said day signed by the President of the Common Council and attested by the City Clerk.

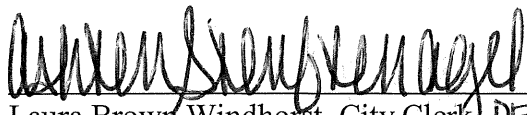


President of the Common Council,
City of Evansville, Indiana

ATTEST: 

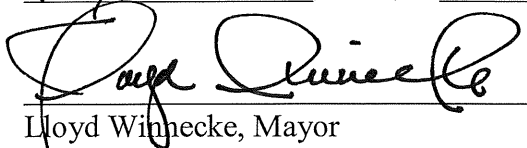
City Clerk

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said City, this 12TH day of MAY, 2015, at 11 o'clock A.m. for his consideration and action thereon.



Laura Brown Windhorst, City Clerk ~~CITY~~ DEPUTY
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 13TH day of MAY, 2015, at 8:00 o'clock A.m.



Lloyd Winnecke, Mayor
City of Evansville, Indiana